

INDEX—DIGEST

- Abortion**
Enforcement of laws against 246
- Accident**
See *Insurance*
- Act of God**
Force majeure: what constitutes 551
What constitutes: intervening human agency 440
- Act of State**
Application to acts not committed abroad 94
Application to citizens, as well as aliens 94
Nature of 94
- Actions in Personam and in Rem**
See also *Admiralty*
Constructive service: *Pennoyer v. Neff* 426
- Adjoining Owners**
See *Estoppel*
- Administrative Law**
See also *Act of State, Constitutional Law, Elections, International Law, Martial Law, Quo Warranto*
Criminal law: administration of 240-262
Federal Government's immunity from suit without consent 880
Judicial determinations by administrative commissions 181
Power of Congress to regulate state primaries 90
Public officers: recovering taxes, paid under duress to a collector, from his successor 537
Removal of public officer: fairness of hearing 323
Substitution of successors in office of defendants in suit for injunction 894
- Admiralty**
See also *Legal History, Seamen*
Collisions: can injury by a government vessel create a maritime lien? 879
Death actions 115-126
—: state death statutes given effect to in admiralty courts 116
—: vessels to which federal death act applies 120
Jurisdiction: admiralty remedy displaced by workmen's compensation 561
—: injury received on vessel subsequent to launching but before completion 561
—: in rem action in state court for injury to object on shore 547
—: maritime tort: action at common law 107
—: hydro-aeroplane a vessel 437
Rights of action growing out of death of a seaman on navigable waters: inside the marine league 122
—: beyond the marine league 124
- : on government vessels 125
—: foreign seamen 126
Seamen's right to new contract before completion of voyage 323
Shipowner's right to limit liability in personal contracts 505-513
—: development and effect of the "personal contract" exception 507-513
- Adverse Possession**
As a source of acquisition of community property 735
Innocent occupation under mistake as to boundary 195, 450
Minerals 748
Necessity of claim against specific rightful owner 196
Public highway 780
Title cannot be acquired against government 735
Trees severed from freehold: no recovery against defendant in actual adverse possession 787
- Advertising**
See *Process*
- Agency**
See also *Attorneys, Brokers, Contracts, Master and Servant, Process*
Distinction between pure agency relations and powers of attorney 283, 294
Partial assignments: assignee has no power of attorney to sue in assignor's name 9
Proprietary powers of attorney 283-298
—: origin and development 284
—: termination of power 286
Ratification: application of doctrine to depositor who fails to notify bank of forged check 606
Undisclosed principal: right to enforce a contract under seal 94
- Aliens**
See also *Nationality*
Anti-alien land legislation: constitutionality and validity under Treaty with Japan 299
—: discrimination against heirs of citizens 674
Confiscation of ex-enemy private property: dangers of 435
Free speech: application of guaranty to aliens 422
Naturalization: alien wife of alien 216
- Animals**
Animals *ferae naturae*: state control of 554
Mistake of fact as defence to statute prohibiting killing domestic pigeons 96
- Anti-Trust Laws**
See also *Restraint of Trade*
"Open Competition plan": validity 643, 648
Picketing theatre, because owner oper-

| | |
|---|---------|
| ates machine himself, enjoined | 786 |
| Resale price maintenance: in general | 650-655 |
| —: necessity of contract with dealer | 651 |
| —: refusal to sell to dealers who will not sell at stated prices | 651 |
| —: unfair competition in absence of contract with dealer | 651 |
| Rule of reason | 644 |
| —: preponderance of size of organization | 646 |
| —: effect of unfair methods | 646 |
| —: attempted control over prices and production | 646 |
| —: importance of intention | 647 |
| —: necessity of showing power to control prices | 647 |
| Arbitration and Award | |
| Commercial arbitration: English rule | 154 |
| —: fallacies in early reasoning | 151 |
| Court of compulsory arbitration | 43 |
| New York statute on commercial arbitration: development | 147 |
| —: purpose | 149 |
| —: scope | 157 |
| Specific performance of contracts containing provision to arbitrate | 670 |
| Army and Navy | |
| See also <i>Constitutional Law, Libel and Slander</i> | |
| Bonus legislation | 78 |
| Assignment | |
| See also <i>Covenants, Landlord and Tenant, Set-off and Counterclaim</i> | |
| Assignability of: right of action against surety or guarantor | 448 |
| —: heir's expectancy: conveyance by both heir and ancestor | 662 |
| Duty of assignor to assignee | 771 |
| Gratuitous partial assignments: enforcement in equity | 1-14 |
| Partial assignment of chose in action: nature of | 11 |
| —: action at law will not lie for assignee | 1 |
| —: equity will enforce | 2 |
| —: not a contract | 8 |
| —: not a power of attorney | 9 |
| —: not a trust | 10 |
| Power of attorney given at time of assignment not terminated by death of assignor | 297 |
| Assumption of Risk | |
| Employer's Liability Act: no assumption of risk of injury from unforeseeable negligence of fellow servant | 784 |
| Attorneys | |
| Ignorance of counsel as ground for new trial | 450 |
| Implied power to bind client in judgment by consent | 324 |
| Attractive Nuisance | |
| See <i>Negligence</i> | |

Auctions

| | |
|--|-----|
| Agreement to enhance bids, not a technical "puffing" agreement: legality | 433 |
| Agreements for fictitious bids | 431 |
| Public sale: highest bid not accepted | 887 |
| Puffing: effect | 431 |

Automobiles

| | |
|--|-----|
| Bailor of defective automobile: liability to third party | 109 |
| Guest in automobile: care required of | 101 |
| Jitneys: constitutional methods of regulating | 183 |
| Licenses: motor trucks of mail-carrying contractor not exempt from state license | 216 |
| Owner's liability for son's negligent driving | 785 |
| Statute imposing road regulations: failure to violate as contributory negligence | 219 |

AviationSee *Insurance***Bailments**

| | |
|--|-----|
| Liability of bailor of defective automobile to third party | 109 |
| When a bailment becomes a pledge | 314 |

BankruptcySee also *Receivers*

| | |
|--|---------|
| Bankruptcy Act of 1898 and Amendments | |
| sec. 9 | 585 |
| sec. 12 | 585 |
| sec. 14b | 583 |
| sec. 16 | 585 |
| sec. 47 (a) 2 | 662 |
| sec. 60b | 662 |
| sec. 67 | 596 |
| Completion of equitable lien within four-months period | 662 |
| Discharge: how obtained | 582-585 |
| Effect of discharge of bankrupt on existence of claims | 591 |
| Surety's right to indemnity: effect of principal's bankruptcy | 582-597 |
| Trustee's interest in life insurance policy: payment by company to beneficiary | 325 |

Banks and BankingSee also *Bills and Notes*

| | |
|--|----------|
| Authority of bank as collecting agent to accept check drawn on itself as payment of debt | 437 |
| Bank accounts: evidence necessary to indicate intent to make gift of | 776 |
| Drawee bank's privilege to charge back check drawn by one depositor in favor of another | 95 |
| Escheat to state of unclaimed deposits in national bank | 333 |
| Foreign exchange transactions: selling credit | 416 |
| —: whether within statute of frauds | 417, 563 |
| —: measure of damages when payment | |

- of credit not effected 418
- Forged check—duty of depositor to his bank 598-625
- : cases considered 601
- : effect of receipt of monthly statement 600
- : negligence of depositor excuses bank 606
- : payment after notice to depositor that similar checks have been paid 621
- : theories under which bank escapes liability: ratification 606
- : estoppel 612
- : summary 624
- Money on current account: demand condition precedent to cause of action against bank 326
- Wrongful dishonor of checks: liability of bank 335
- Bastards**
See *Death by Wrongful Act*
- Benefit Societies**
See *Insurance*
- Bequests**
See *Wills*
- Bigamy**
Divorce decree obtained in foreign state through fraud: whether recognized 548
- Bills and Notes**
See also *Banks and Banking, Conflict of Laws*
- Negotiable Instruments Law
sec. 62 522, 548, 619
sec. 122 21
- Alteration of payee's name on draft before certification: whether drawee may recover payment made to holder 522, 548
- Drawee bank's privilege to charge back check drawn by one depositor in favor of another 95
- Forged checks—duty of depositor to his bank 598-625
- Holder may renounce rights without receiving consideration 21
- Presentation tardy because of sending check from payee's branch office to payee's head office 187
- Wagering transaction: recovery of money paid by check 327
- Black List**
See *Trade Unions*
- Bonuses, Bounties, and Pensions**
See also *Taxation*
Bonus legislation 78
- Boycott**
See *Industrial Courts and Legislation, Torts, Trade Unions, Unfair Competition*
- Brokers**
Contract giving "exclusive sale" to real estate broker 674
Quantum meruit allowed under broker-
- age contract void under statute of frauds 447
- Building Restrictions**
See *Restrictions and Restrictive Agreements*
- Burden of Proof**
Warranty denied by vendor 209
- Burglary**
Breaking by one having authority to enter 783
- Business Law**
Development of the trust idea 467
- Business Trusts**
See *Anti-Trust Laws, Voluntary Associations*
- Carriers**
See also *Interstate Commerce, Railways*
- Jitneys: constitutional methods of regulating 183
- Liability for loss of baggage unaccompanied by passenger 664
- Regulation requiring claim for injury to passenger to be made in thirty days 887
- Challenges**
See *Jury*
- Character**
See *Evidence*
- Charitable Trusts and Corporations**
See also *Religion and Religious Institutions*
- "Trust" as an aid to charitable organizations 466
- Checks**
See *Bills and Notes*
- Child Labor Laws**
Regulating child labor by federal taxation 310, 894
- Church**
See *Religion and Religious Institutions*
- Citizens**
See *Aliens*
- Civil Law**
See *Comparative Law*
- Civil Service**
Validity of statute preferring veterans 204
- Commissions**
See *Constitutional Law*
- Community Property**
See also *Contributory Negligence*
- Nature and extent 734
- Sources of acquisition of community property 734-746
- : adverse possession 735
- : improvements on property 741
- Compacts**
See *International Law*
- Comparative Law**
See also *Insurance, Roman Law*
- Corporate liability for unauthorized acts of agent under civil codes 630
- Impossibility of effecting contractual incompetence 626-638

- Roman-Dutch law: history 568
 Separation of powers in British jurisdictions 24-52
 Trusts not recognized in civil law 676
- Compromise and Settlement**
 Workmen's compensation: effect on amount recoverable of servant's settlement with tort-feasor 449
- Conditions**
 Impossibility of performance by plaintiff of condition precedent to contract duty of defendant 549
- Conflict of Laws**
 See also *Process*
 Construction of deeds governed by law of grantor's domicil 438
 Constructive service in suits regarding intangible property 427
 Contracts: all the effects need not be governed by same law 65
 —: Bustamente's view of law applicable to determine effect 56
 —: difficulties in applying law of place of performance 60
 —: effect given by application of:
 common national law 55
 —: common domiciliary law 56
 —: law of debtor's domicil 57
 —: law of place of contracting 58
 —: law of place of performance 57
 —: law applicable determined by nature of contract, condition of parties, and situs of property 62
 —: law governing meeting of the minds 53
 —: law of place of performance usually governs mode of performance 68
 —: validity and effects 53-72
 De Facto Recognition: whether court may disregard legislation of government so recognized because contrary to public policy of forum 85
 Divorce decree obtained in foreign state through fraud: whether recognized in prosecution for bigamy 548
 Foreign judgments: enforcement of 107
 Foreign revenue laws: when applicable to bills and notes 771
 Renvoi: advisability of accepting in cases of divorce proceedings based upon constructive service 191
- Conformity Act**
 See *Execution*
- Consideration**
 Partial assignment of chose in action enforceable without consideration 13
 Pre-existing duty 675
 Rule in Foakes v. Beer challenged 15-23
- Conspiracy**
 Conspiracy not to insure: malicious motive 672
- Constitutional Law**
 See also *Administrative Law, Bounties, Bounties & Pensions, Civil Service, Due Process, Elections, Eminent Domain, Extradition, Freedom of Speech and Press, Income Taxation, Interstate Commerce, Judgments, Police Power, Taxation*
 Amending constitutions: validity of nineteenth amendment 754
 —: state constitutional limitation on power of legislature to ratify federal amendments 754
 —: violation of rules of state legislative procedure 757
 Anti-alien land legislation 299, 674
 Article four construed 161
 Bonus legislation 78
 Constitutionality cannot be raised in collateral proceedings 889
 Construing provision of constitution to apply to aliens as well as citizens 423
 Equal protection of the laws: construed to secure equal protection not only for all but against all 411
 —: denying alien privilege of free speech 424
 —: ordinance valid on its face: discrimination in administration 450
 —: reasonableness of classification: employers and employees 413
 —: statute limiting use of injunctions in labor disputes 408
 Foreign corporations: revocation of license for removing suit to federal court 772, 824
 Fugitive slave acts constitutional 161-182
 Imprisonment for use of own money for other purposes than paying debts 439
 Initiative and referendum amendment construed to repeal provision for re-districting state by executive 783
 Judicial inquiry into purpose of act constitutional on its face 313
 Judicial review: emergency clauses in legislation: whether legislative declaration conclusive on courts 204, 655
 Powers of Congress to regulate state primaries 90
 Searches and Seizures: in general 518
 —: admissibility of evidence secured by illegal seizure 520
 —: Fourth and Fifth Amendments no protection from wrongful acts of individuals 335, 519
 —: history 518
 —: requisites of lawful search 519
 Separation of Powers: in British jurisdictions 24-52
 —: doctrine applies where there is no rigid or written constitution 24
 —: elements of doctrine 25
 —: executive commissions of inquiry 27
 —: industrial courts, nature of powers exercised by 33
 —: judicial power, nature of 38
 —: "normal sequence" defined 25
 —: "powers," meaning of 26
 State compacts—power of state to

- make: in general 635
 —: with other states 636
 —: with foreign powers 638
- Constructive Trusts**
 Oral promise of grantee to convey to plaintiff 214
- Consuls**
 See *Diplomatic and Consular Officers*
- Contempt**
 Publication criticizing terminated case not contempt of court 216
- Contingent Remainders**
 See *Vested Contingent and Future Interests*
- Contracts**
 See also *Act of God, Admiralty, Agency, Arbitration and Award, Auctions, Conditions, Consideration, Covenants, Illegal Contracts, Infants, Master and Servant, Negligence, Offer and Acceptance, Quasi-Contracts, Restraint of Trade, Sales, Seals, Specific Performance*
- Assignor's implied contract not to destroy rights of assignee 771
 Construction: "void" interpreted to mean "voidable" 217
 Contractual incompetence, impossibility of effecting 626-634
 —: policy of doctrine 633
 De facto government: responsibility for contracts 487
 Foakes v. Beer: rule challenged 15-23
 Impossibility of performance by plaintiff of condition precedent to contract duty of defendant 549
 License created by contract to sell standing timber, inoperative to pass title 328
 Negligent performance of 896
 Partial assignment of chose in action not an executory contract 8
 Public service corporation's implied contract to serve citizens: recovery by citizen as third party beneficiary 211
 Receiver's office in connection with uncompleted corporate contracts 693
 Release by creditor gives rise to no contract 16
 Third party beneficiaries: in general 489, 504
 —: beneficiary's right to sue on a life insurance policy 343-344, 493
 —: donee beneficiary may sue as well as creditor beneficiary 365
 Third party beneficiaries in Connecticut 489-504
 —: early cases 491
 —: creditor beneficiaries 496
 —: mortgagee beneficiaries 497
 —: sole beneficiaries 492
- Contributory Negligence**
 Death by wrongful act: contributory negligence of beneficiary as bar to suit under statute 103
- Failure to violate statute imposing road regulations 219
 Guest in automobile: what constitutes contributory negligence of 101
 Imputed negligence: in general 639
 —: negligence of husband imputed to wife under community interest statute 640
 —: not applicable to wrongful death 642
 —: should be confined to express agency 643
- Conversion**
 See *Trover and Conversion*
- Conveyances**
 Effective transfer of property does not require quid pro quo 18
- Copyright**
 Common-law copyright: producer's rights in creation 550
 —: nature and effect of "publication" 550
- Corporations**
 See also *Anti-Trust Laws, Carriers, Charitable Trusts and Corporations, Income Taxation, Process, Public Service Law, Quo Warranto, Railways, Receivers, Religion and Religious Institutions, Restraint of Trade, Taxation, Voluntary Associations*
- Effect of contract beyond powers 630
 English corporation law in the 16th and 17th centuries 382-407
 —: creation of incorporate persons 382
 —: dissolution 398
 —: nature of corporate personality 405
 —: powers, capacities, liabilities 385
 Gross-receipts tax: as measure of value of the privilege of corporate existence 806
 —: as price of existence of incorporation 808
 —: on foreign corporations 810
 Negligence: stock certificate signed in blank by officers stolen by employee 773
 Power of Congress to vary corporate charter by regulating commerce 878
 Receiver: operation of business by 692
 Reorganization after insolvency 698
 Stock issued for overvalued property or for property not legal payment: liability for payments 883
 Stock taxable although corporate property has already been taxed 801
 Trust instrument as a device in corporate organization 466
- Counterclaim**
 See *Set-off and Counterclaim*
- Courts**
 See also *Constitutional Law, Contempt*
- Decisions: elements influencing 677
 Evolution of case law 361-366
 Indian courts: powers of state courts over Indian reservation lands 331
 Judicial power: nature of 38

- Making of law by judicial decisions 39
 Power of court to reorganize corporations after insolvency 700
 Probate court: decree conclusive though entered under a mistake of law 105
- Covenants**
 See also *Restrictions and Restrictive Agreements*
 Covenant to repair: landlord's duty 779
 Easement granted by imperfect deed an incumbrance 100
 Intent of parties that covenant shall run, as factor 143
 Lessee's covenant to pay taxes assessed during term: liability for taxes assessed during, but payable after, term 895
 Relating to: land other than that demised 139
 —: subject matter not in being 142
 Running with the land: in a lease 127-146
 —: distinguished from: assignment 130
 —: purchase with notice 131
 —: privilege to terminate a lease 774
 —: test for determining 132, 774
- Creditors**
 See *Debtor and Creditor*
- Criminal Law**
 See also *Abortion, Bigamy, Burglary, Conspiracy, Contempt, Criminal Procedure, Forgery, Homicide, Intoxicating Liquors, Larceny, Prostitution, Sunday Laws*
 Administration of the criminal law 240-262
 —: extent to which laws are enforced 244
 —: factors which influence enactment of criminal laws 242
 —: reasons for non-enforcement 251
 Husband's liability for wife's crime 337
 Mens rea: necessity of 96
 Sexual immorality: enforcement of laws to prevent 245
- Criminal Procedure**
 See also *Diplomatic and Consular Officers, Jury*
 Conviction based on improper statute not ground for reversal if not prejudicial 676
 Evidence: skull of deceased: admissibility in murder trial 107
 Habitual offender statutes: procedure under 440
 —: necessity of alleging prior convictions in indictment 440
 —: submitting prior convictions to jury only after verdict of guilty 440
- Currency**
 Damages in foreign currency: date governing rate of exchange 198
 Redemption of securities with depreciated currency 561
- Custody**
 See *Infants*
- Damages**
 See also *Death by Wrongful Act, Eminent Domain, Negligence, Workmen's Compensation*
 Aggravation of injury due to doctor's instructions 786
 Anticipated profits: necessity for measuring with reasonable certainty 551
 Damages in foreign currency: date governing rate of exchange 198
 Liquidated damages: when not enforced because construed to be a penalty 894
 Measure of damages: contract to sell standing timber, inoperative to pass title, repudiated 328
 —: foreign exchange transactions: when payment of credit not effected 418
 —: liability of bank for wrongful dishonor of checks 335
 —: remoteness of loss: effect of notice to defendant of plaintiff's prospective profits 551
 —: wrongful discharge as breach of contract of service 441
 Mitigation of damages: benefit received from third parties 776
- Dangerous Instrumentalities**
 See *Negligence*
- Daylight Saving**
 See *Statutes*
- Death by Wrongful Act**
 See also *Contributory. Negligence, Proximate Cause*
 Admiralty death actions 115-126
 Contributory negligence of beneficiary as bar to suit 103
 Death of child caused by eating poisonous berries in public park 556
 Distinction between survival and death acts 119
 Illegitimate child: whether mother can recover for death of 332
- Debtor and Creditor**
 See also *Bankruptcy, Banks and Banking*
 Authority of bank as collecting agent to accept a check drawn on itself as payment of debt 437
 Creditor-beneficiary's right to sue on contract of debtor 496
 Debt may be subject of gift by creditor to debtor 20
 Debtor discharged by payment of smaller amount than due 15-21
 Foakes v. Beer: rule challenged 15-23
 Imprisonment for use of own money for other purposes than paying debts: constitutionality of statute 439
 Redemption of securities with depreciated currency 561
 Release by creditor: similar to transfer of property 16

- : gives rise to no contract 16
Trust as an instrument to evade creditors 466
- Deceit**
See *Infants*
- Declaratory Judgment**
See *Judgments*
- Decree**
See *Judgments*
- Dedication**
Effect of projection in air over property dedicated 545
- Deeds**
See also *Covenants*
Construction governed by law of grantor's domicile 438
- De Facto**
See *International Law*
- Defamation**
See *Libel and Slander*
- Deposits**
See *Banks and Banking*
- Descent and Distribution**
See also *Taxation*
Anti-Alien land legislation: discrimination against heirs of citizens 674
Assignment of heir's expectancy: conveyance by both heir and ancestor 662
Contract for distribution of an estate: necessity of writing 364
Probate Court: decree conclusive though entered under mistake of law 105
- Diplomatic and Consular Officers**
Consuls: amenability to criminal process 563
- Devise**
See *Wills*
- Domicil and Residence**
See *Conflict of Laws, Inheritance Taxation*
- Dower**
Nature of 210
Transferability when consummate 210
Trust as a factor 465
- Due Process**
See also *Constitutional Law, Police Power*
Constructive service: *Pennoyer v. Neff*: actions in personam and in rem 426
Kansas Court of Industrial Relations Act: constitutionality 75, 206, 450, 889
Rate regulation: constitutionality of basis 278
Removal of public officer: fairness of hearing 323
Service by publication in suit involving equitable assignment of insurance policy 425
Injunctions: statute limiting use of in labor disputes 408
- Duress**
See *Taxation*
- Easements and Licenses**
See also *Prescription*
Easement created by imperfect deed an incumbrance 100
Grants of coal apart from the surface 747-754
License created by contract to sell standing timber inoperative to pass title 328
- Elections**
Absentee-voting act: validity 326
Names of persons not entitled to hold office may not be printed on official ballot 675
Powers of Congress to regulate state primaries 90
- Electricity**
Infant trespasser upon aerial right of way: uninsulated wires 102
- Eminent Domain**
Admissibility of evidence of price of adjacent land 784
Distinguished from police power 335
Jurisdiction: power of one state to condemn property in another 98
- Employer's Liability Act**
See *Workmen's Compensation*
- Equity**
See also *Injunctions, Receivers, Specific Performance*
Married women's separate estate created by aid of trust 465
Partial assignment of chose in action will be enforced 2
- Escheat**
Escheat to state of unclaimed deposits in national bank 333
- Estates**
See *Vested Contingent and Future Interests*
- Estoppel**
Depositor who fails to notify bank of forged check 612
Distinguished from waiver 778
Estoppel of adjoining landowner to set up true boundaries by acquiescence in building operations 337
Homestead: estoppel of husband to deny validity of deed 552
- Evidence**
See also *Burden of Proof, Criminal Procedure, Practice, Witnesses*
Admissibility when secured by illegal seizure 520
Character: methods of proving 442
Corroboration: testimony required to corroborate parol evidence of contract with deceased 364
Eminent domain: admissibility of price of adjacent land 784
Hearsay: application of rule against 230
—: classification of utterances admissible as *res gestae* 229-239
—: spontaneous statements: time elapsing after event 895

- Privilege: what constitutes waiver of patient's privilege 529
- Real Evidence: power of court to order physical examination of plaintiff 664
- : skull of deceased: admissibility in murder trial 107
- : unauthorized view by jury 217
- Similar accidents: admissibility to prove negligence 330
- Specific instances of conduct to show negligence: admissibility 442
- Execution**
Federal conformity act: sale on federal execution 447
- Expatriation**
See *Nationality*
- Expert Testimony**
See *Practice*
- Extradition**
Fugitive slave acts: procedure 170
- : purpose 177
- Treaty rights as defence to trial for other crimes 443
- Fellow Servants**
See *Workmen's Compensation*
- Fixtures**
See *Community Property*
- Food and Drugs**
Lever Act: provision void because of vagueness 108
- Force Majeure**
See *Act of God*
- Forgery**
Depositor's duty to notify bank of forgery 598-625
- Fraud**
See *Forgery, Infants*
- Freedom of Speech and Press**
Aliens' privilege of free speech 422
- State sedition act: constitutionality 674
- Future Interests**
See *Vested Contingent and Future Interests*
- Gager, Edwin B.** 869
- Gaming**
See *Illegal Contracts*
- Gifts**
Bank accounts: evidence necessary to indicate donative intent 776
- Debt may be subject of gift by creditor to debtor 20
- Gifts causa mortis: to be valid as deed, gift must pass present interest 106
- Good Will**
Transferability 209
- Government**
See *Administrative Law*
- Guaranty**
See *Suretyship and Guaranty*
- Guardian and Ward**
See *Infants*
- Hearsay**
See *Evidence*
- Highways**
See *Adverse Possession, Automobiles, Dedication*
- History of Law**
See *Legal History*
- Homestead**
Estoppel of husband to deny validity of deed 552
- Homicide**
See also *Proximate Cause, Wills*
- Enforcement of laws against 245
- Spring gun in unoccupied house: death of trespasser 562
- Wood alcohol: death from cognizable in jurisdiction where original purchase occurred 775
- Husband and Wife**
See also *Community Property, Contributory Negligence, Dower, Infants, Parent and Child*
- Husband's liability for wife's crime 337
- Husband's privilege to live on wife's premises 436
- Married woman's incapacity under French code 626
- Married woman's separate estate: trust as a factor 465
- Illegal Contracts**
Auctions: agreements for fictitious bids 431
- Gambling laws: administration thereof 249
- Illegal sale of whiskey: no implied warranty of wholesomeness 335
- Wager: recovery of money paid by check 327
- Illegitimacy**
See *Bastards*
- Immigration**
See *Aliens, Nationality*
- Impeachment**
See *Witnesses*
- Imports**
See *Taxation*
- Impossibility**
See *Contracts*
- Income Taxation**
See also *Corporations*
- Difference in rates in favor of earned as against unearned incomes 318
- Federal revenue act of 1921 368, 378
- Professor's salary as income derived from property 318
- State income taxes: and the commerce clause 799-826
- : held valid as: property taxes 800
- : special excise taxes 801
- : gross-receipts taxes and taxes on net income considered 802-826
- : gross receipts as a fund in possession 804
- : privilege doctrine 806
- : proper-subject doctrine 811

- : later history of privilege and proper-subject doctrines 813
- : influence of doctrines on gross-receipts taxes 817
- Stock dividend not income 218
- Taxes on the realization of future interests 367-381
- : appreciation of capital assets, realized by sale are taxable 367
- : measure of the tax: where future interest is donated 372
- : where future interest is acquired for value 380
- : has realization occurred? 368
- Incompetent Persons**
- Impossibility of effecting contractual incompetence 626-634
- Indemnity**
- See *Suretyship and Guaranty*
- Independent Contractors**
- See *Master and Servant*
- Indians**
- Indian courts: powers of state courts over Indian reservation lands 331
- Industrial Courts and Legislation**
- Commonwealth Court of Conciliation and Arbitration 34
- Government control of industrial conflicts: economic aspects 89
- Kansas Court of Industrial Relations Act: constitutionality 75, 206, 450, 889
- Kansas Industrial Court: regulation of meat packing business 206, 450
- Labor disputes: constitutionality of statute limiting use of injunctions 408
- Nature of powers exercised 33, 40
- Provision for compulsory arbitration 43
- Infants**
- See also *Death by Wrongful Act, Negligence*
- Custody of infants: whether father, mother, or third party entitled 445
- Infant trespasser upon aerial right of way: uninsulated electric wires 102
- Liability for: fraudulent misrepresentation of age 201
- : torts connected with contract 202
- Incompetency to contract: policy of rule creating 633
- Prenatal injuries: no duty to unborn child 563
- Repudiation of contract: necessity of its being beneficial to infant 777
- Inheritance Taxation**
- Deductibility of federal estate tax 108
- Impossibility of collection: effect 557
- Intangible personalty of resident situated in another state and bequeathed to non-resident 557
- Transfer to take effect at donor's death: when effective 671
- Initiative, Referendum, and Recall**
- Initiative and referendum amendment construed to repeal provision for re-districting state by executive 783
- Legislative declaration of emergency: loss of privilege of referendum by 204, 655
- Injunctions**
- See also *Trade Unions, Unfair Competition*
- Continued trespass to personalty: balance of convenience 330
- Labor litigation: advisability of use of injunctions 86, 414
- Suspension from lodge: necessity of exhausting remedies within order before bringing suit 328
- Insanity**
- See *Incompetent Persons*
- Insolvency**
- See *Bankruptcy, Corporations, Receivers*
- Insurance**
- See also *Conspiracy, Partnership, Process*
- Accident insurance: participation in aeronautics 217
- : sunstroke a bodily injury through accidental means 562
- Construction of policy: "participation in aeronautics" 217
- : "sane or insane suicide" 785
- Life Insurance—beneficiary's interest: a vested right in the United States 344
- : English rule 345
- : French rule 346
- : German rule 346
- : origin of American rule 347
- : reservation of power to change beneficiary 358
- Mortgagee's right to sue on mortgagor's policy 502
- Mutual benefit societies: beneficiary does not take a vested interest 359, 494
- : by-law abolishing presumption of death 336
- Trustee in bankruptcy: interest in life policy: effect of payment by company to beneficiary 325
- Violating clause in policy prohibiting further insurance 627
- Waiver and estoppel: distinguished 778
- : representation that military clause will not be enforced 778
- Warranty: express warranty as to health construed as warranty only of good faith 553
- International Law**
- See also *Aliens, Diplomatic and Consular Officers, Extradition, Nationality, War*
- Cessation of government ends existence of the State 481
- China: extent of international commitments 341
- Compacts, power of states of United States to make in general 635
- : with other states 636

- : with foreign powers 638
- Continuity of government in a given area 483
- Continuous voyage doctrine in the World War 227
- Contraband in the World War 226
- De facto recognition 469-488
- : causes and effect of refusal to recognize 469
- : distinction between actual supremacy and popularity of government 474
- : effect upon court's decision as to validity of acts of government so recognized 82
- : recognition of belligerency 470
- : recognition of the victory of insurgents 472
- : status of unrecognized de facto governments 535
- : test for recognition of governments 474
- : whether court may disregard legislation of government so recognized because contrary to public policy of forum 85
- Equality of states 223
- Japanese Treaty of 1911: effect on anti-alien land legislation 299
- Naturalization and expatriation 702-719, 848-868
- Recognition: when necessary to establish capacity of government to sue 536
- Responsibility for contracts and delicts of "local de facto governments" 487
- Russian Soviet Government, validity abroad of acts of 82, 534
- Suit by unrecognized government 534
- Interstate Commerce**
- See also *Income Taxation*
- Adamson Act within powers of Congress 48
- Child Labor: control by Congress of interstate transportation of goods made in factories employing child labor: constitutionality 310, 894
- Employers' Liability Act: carrier's lack of knowledge of destination of shipment immaterial 96
- Regulation of intrastate commerce under the commerce clause 870-879
- : effect of the Transportation Act of 1920 874
- State control of animals *ferae naturae* 554
- State income taxes and the commerce clause 799-826
- Intoxicating Liquors**
- Administration of criminal law under the Volstead Act 240
- Illegal sale of whiskey: no implied warranty of wholesomeness 335
- Larceny of under prohibition statutes 305
- Liquor not subject to penalty for failure to declare imported merchandise 785
- Property in intoxicants 305, 675, 785
- Protection under prohibition statutes of lawfully acquired liquors: liquor stolen from warehouse 675
- Trans-shipment of intoxicating liquors through United States 218
- Wood alcohol: death from cognizable in jurisdiction where original purchase occurred 775
- Invitee**
- See *Master and Servant, Negligence*
- Judgments**
- See also *Attorneys*
- Declaratory judgment: constitutionality 419
- : necessity of limiting operation to cases of actual controversy 420
- : states adopting 421
- Foreign judgments: enforcement 107
- Probate court: decree conclusive though entered under a mistake of law 105
- Jurisdiction**
- See also *Admiralty, Conflict of Laws, Equity, Inheritance Taxation, Process, Taxation*
- Death from wood alcohol cognizable in jurisdiction where original purchase occurred 775
- Eminent domain: power of one state to condemn property in another 98
- Indian courts: powers of state courts over Indian reservation lands 331
- Jurisprudence**
- Evolution of case law 361-366
- Judicial process: nature of 677
- Quasi-delict in Anglo-American law 571-581
- Remedial rights in personam classified 579
- Torts: necessity for and method of unifying law of 571
- What is law? 882
- Jury**
- See also *Criminal Procedure*
- Challenges: examination of jurors prior to challenge 514, 770
- Disagreement of jury: coercion as ground for new trial 212
- Special jury 888
- Unauthorized view 217
- Women jurors: effect of nineteenth amendment 108
- Kansas Industrial Court**
- See *Industrial Courts and Legislation*
- Labor**
- See *Injunction, Trade Unions*
- Landlord and Tenant**
- See also *Covenants, Options, Torts*
- Assignment: provision against without consent of landlord 445
- Emergency rent laws: what constitutes reasonable rent 444
- Landlord's duty to repair 779
- Notice to quit: waiver by statutory acceptance of rent 206
- Pre-existing duty as consideration:

- tenant's consenting to remain on flooded premises as consideration for promise to reduce rent 675
- Larceny**
Intoxicating liquors under prohibition statutes 305
- Law School**
Year 1921-22 73
- Leases**
See *Landlord and Tenant*
- Legal Analysis and Terminology**
Remedial rights in personam classified 579
"Right": definition 203
- Legal Education**
Construction and desirability of case-book on legal history 720-733
- Legal History**
See also *Insurance, Nationality, Practice*
Admiralty death actions: efforts to secure federal legislation with respect to 117
Construction and desirability of case-book on legal history 720-733
English corporation law in the 16th and 17th centuries 382-407
Roman element in Bracton 827-847
- Libel and Slander**
Privilege: absolute privilege: communications included 765
—: conditional privilege: nature 766
—: pleadings: whether absolutely privileged 207
—: publication by newspaper, at request of War Department, of name of supposed slacker 765
Suit by unincorporated labor union 92
- Licenses**
See *Automobiles, Easements and Licenses*
- Liens**
Receiver's certificate: priority over prior liens 451
- Limitation of Actions**
See also *Admiralty, Adverse Possession, Death by Wrongful Act*
Statute of limitations: effect upon rights of action existing at time of passage 785
- Limitation of Liability**
See *Admiralty*
- Mandamus**
When issuable: discretion of city council to consent to running of bus line 554
- Manslaughter**
See *Homicide*
- Maritime Law**
See *Admiralty*
- Marketable Title**
See *Specific Performance*
- Marriage and Divorce**
See also *Bigamy, Conflict of Laws, Wills*
- Statute requiring recordation of change of name of owner of property 322
- Martial Law**
Governor's power to declare: extent of 332
- Massachusetts Trusts**
See *Anti-Trust Laws, Voluntary Associations*
- Master and Servant**
See also *Agency, Workmen's Compensation*
Automobile owner's liability for son's negligent driving 785
Delegation to independent contractor of duty owed to invitee 99
Master's liability to third persons: scope of employment: use of incidental instrumentality 208
—: departure and deviation 99, 208
Wrongful discharge as breach of contract of service 441
- Mines and Minerals**
Interests created by grants of coal apart from surface 747
—: classes of interests granted 750
—: duty of subjacent support of surface 748, 752
—: estate in walls containing or space occupied by coal 749, 752
—: grant of "all the coal on, in or under" land 749, 752
—: intent of parties determines interest 750
—: whether corporeal or incorporeal 749, 751
—: whether terminated by exhaustion of minerals 748
- Misrepresentation**
See *Infants*
- Mistake**
See also *Descent and Distribution, Trover and Conversion, Wills*
Mistake of fact as defence to violation of statute 96
- Monopolies**
See *Anti-Trust Laws, Restraint of Trade*
- Mortgages**
Foreclosure of mortgage of corporation in hands of receiver 695
Good will and trade-marks in gross: mortgagability 209
Right of mortgagee to sue as beneficiary on mortgagor's contracts 497
Subrogation: advancement of money for redemption 889
- Municipal Corporations**
See also *Death by Wrongful Act, Police Power, Quo Warranto*
Invalid contract: rights of other party 779
—: recovery in quasi-contract 779
—: types of invalid contracts 779
- Mutual Benefit Societies**
See *Insurance*

- Nationality**
 See also *Aliens*
 Naturalization and expatriation 702-719, 848-868
 —: bill of 1922 considered 866
 —: expatriation: in general 709
 —: legislative discussion 711
 —: treaty provisions 714
 —: what acts constitute 851
 —: expatriation act of 1907 855
 —: does protracted residence abroad result in loss of citizenship 858
 —: historical development in the United States of naturalization laws 702-709
 —: impeachment of naturalization certificates 851
 —: naturalization act of 1906: section 15 852
 —: protection of citizens whose naturalization was fraudulently procured 848
- Naturalization**
 See *Aliens, Nationality*
- Navigable Waters**
 See *Admiralty, Seamen*
- Negligence**
 See also *Carriers, Contributory Negligence, Death by Wrongful Act, Evidence, Master and Servant, Proximate Cause*
 "Attractive nuisance" doctrine 556
 Bailor of defective automobile: liability to third party 109
 Contracts: negligence in performance of 896
 Corporation's liability: stock certificate signed in blank by officers stolen by employee 773
 Degrees of negligence 555
 Depositor's liability to bank for negligence 606
 Distinguished from wanton acts 555
 Invitee: delegation to independent contractor of duty owed to 99
 Liability to one not in privity of contract: ticker-service supplied to third parties 218
 —: negligence 896
 Licensee: infant: death caused by eating poisonous berries in public park 556
 Prenatal injuries: duty to unborn child 563
 Spring gun: criminal liability for death of trespasser 562
 Trespasser: infant trespasser upon aerial right of way: uninsulated electric wires 102
- Negotiable Instruments**
 See *Bills and Notes*
- New Trial**
 See *Criminal Procedure, Practice*
- Offer and Acceptance**
 Acceptance of part of goods as constituting acceptance of whole 676
- Bids at public sale 887
- Options**
 Running with the land in a lease 136, 137
- Ordinance**
 See *Police Power*
- Parent and Child**
 Custody of infants: whether father, mother, or third party entitled 445
- Partition**
 Partition sale: agreement to enhance bids: legality 433
- Partnership**
 See also *Trusts*
 Whether partner purchasing expiration records of insurance agency has exclusive privilege of user of information therein 666
- Passengers**
 See *Carriers*
- Patents**
 Infringement: generic invention: doctrine of equivalents 446
- Payment**
 See *Debtor and Creditor*
- Penalty**
 See *Damages*
- Personal Property**
 See *Bailments, Community Property, Descent and Distribution, Gifts, Good Will, Income Taxation, Inheritance Taxation, Pledges, Taxation, Vested Contingent and Future Interests, Wills*
- Persons**
 Trust as a factor in family settlements 465
- Physicians and Surgeons**
 Waiver of patient's privilege: what constitutes 529
- Pleading**
 See *Administrative Law, Burden of Proof, Libel and Slander, Practice*
- Pledges**
 Sub-pledge: legal relations of parties 314
 When a bailment becomes a pledge 314
- Poison**
 See *Death by Wrongful Act*
- Police**
 Administration a matter of politics in United States 253
- Police Power**
 See also *Aliens*
 Aesthetic purposes 783
 Animals *ferae naturae*: state control of 554
 Classification of occupations subject to police power 183
 Coal mining affected with public interest 75
 Daylight-saving laws 659
 Eminent domain distinguished 335
 Jitney transportation: regulation of 183

- Kansas Court of Industrial Relations Act: constitutionality 75, 206, 450, 889
 Mayor's discretionary power to grant permits to hold meetings in streets: constitutionality of ordinance granting 450
 Packing business: regulation of 206, 450
- Possession**
 See *Vested Contingent and Future Interests*
- Power of Attorney**
 See *Agency*
- Powers**
 Power coupled with an interest 296
 Proprietary powers of attorney: termination by death 283
- Practice**
 See also *Contempt, Criminal Procedure, Evidence, Execution, Jury, Process, Witnesses*
 Challenges: examination of jurors prior to 514, 770
 Court control of procedure as substitute for legislative codes: advisability 763
 New trial, grounds for: expert witness changing opinion 219
 —: ignorance of counsel 450
 Offer of proof in grounding exceptions 542
 Physical examination of plaintiff: power of court to order 664
 Rules of court: judicial discretion in applying 763
 Waiver of rule of procedure by parties with consent of court 765
- Preferences**
 See *Bankruptcy*
- Prescription**
 Effect of projection in air over property dedicated 545
- Principal and Agent**
 See *Agency*
- Principal and Surety**
 See *Suretyship and Guaranty*
- Priorities**
 See *Liens, Receivers*
- Privileged Communications**
 See *Libel and Slander, Physicians and Surgeons*
- Probate**
 See *Courts, Descent and Distribution, Wills*
- Procedure**
 See *Criminal Procedure, Practice*
- Process**
 Foreign corporation not doing business in state: service on officers 205
 Service by publication: in suit involving equitable assignment of insurance policy 425
 —: mistake in middle initial 567
 Service on foreign corporation's local agent: advertisements as evidence of agency 336
- Substituted service: whether equivalent to personal service 567
- Prohibition**
 See *Intoxicating Liquors*
- Property**
 See also *Community Property, Personal Property, Real Property, Words and Phrases*
 Defined 281, 319, 373, 735
 Property in intoxicating liquors 305, 675, 785
- Prostitution**
 Reasons for non-enforcement of laws against 256
- Proximate Cause**
 Act of God: proximate cause of injury as test 440
 Aggravation of injury: damages recoverable 786
 Death due to suicidal mania caused by defendant's act 667
 Death resulting from disease caused by injury 102
- Publication**
 See *Copyright*
- Public Officers**
 See *Administrative Law*
- Public Service Law**
 See also *Carriers, Railways, Rate Regulation*
 Implied contract to serve citizens: recovery by citizen as third party beneficiary 211
- Public Utilities**
 See *Carriers, Public Service Law, Railways*
- Quantum Meruit**
 See *Quasi-Contracts*
- Quasi-Contracts**
 Contract to sell standing timber inoperative to pass title: measure of recovery upon repudiation 3-
 Invalid contract: recovery against municipal corporation 779
 Quantum meruit allowed under brokerage contract void under statute of frauds 447
 Quasi-delict as a branch of torts 571
- Quasi-Delict**
 See *Torts*
- Quo Warranto**
 Scope of action 668
- Railways**
 See also *Carriers, Interstate Commerce*
 Permanent improvements on public highway: estoppel of city to assert rights 780
- Rate Regulation**
 See also *Interstate Commerce*
 Constitutionality of rate basis 278
 Permanent basis for rate regulation 263-282
 —: competition as an element 267
 —: cost of reproduction considered 277

- : original investment fundamental 271
- : physical value theory discarded 264
- : reasonable value of services the true test 267
- Ratification**
See *Agency*
- Real Property**
See *Adverse Possession, Community Property, Covenants, Dedication, Deeds, Descent and Distribution, Dower, Eminent Domain, Estoppel, Homestead, Income Taxation, Inheritance Taxation, Landlord and Tenant, Mines and Minerals, Mortgages, Powers, Prescription, Rule Against Perpetuities, Taxation, Title, Vested Contingent and Future Interests, Wills*
- Receivers**
Administration of equity receiverships of corporations 685-701
 - : appointment of receiver 686
 - : filing and proof of claims 688
 - : foreclosure of mortgages 695
 - : operation of business 692
 - : priorities as between claims 689
 - : receiver's accounts 697
 - : receiver's certificates 696
 - : receiver's reports 693
 - : reorganization of corporation 698
 - : terms under which equity will undertake administration 685
 - : uncompleted contracts 693
 Receiver's certificates: priority over prior liens 451
- Recording and Registry Acts**
Statute requiring recordation of change of name of owner of property 322
- Referendum**
See *Initiative Referendum and Recall*
- Release**
See *Debtor and Creditor*
- Religion and Religious Institutions**
Church property: power of majority to change doctrine and retain control 329
- Remainders**
See *Vested Contingent and Future Interests*
- Removal of Causes**
See *Constitutional Law*
- Rent Laws**
See *Landlord and Tenant*
- Rents and Profits**
See *Landlord and Tenant*
- Res Gestae**
See *Evidence*
- Residence**
See *Domicil and Residence*
- Restraint of Trade**
See also *Anti-Trust Laws*
Clayton Act: restricting use of container in sale of contents, title remaining in vendor 668
- "Open competition plan": validity 643
- : rule of reason 644
- Restraints on Alienation**
See *Trusts*
- Restrictions and Restrictive Agreements**
See also *Anti-Trust Laws, Restraint of Trade*
Marketable title: effect of restrictive building covenant 891
- Reversals**
See *Criminal Procedure*
- Reversions**
See *Vested Contingent and Future Interests*
- Roman Law**
Roman element in Bracton 827-847
- Rule Against Perpetuities**
Application to spendthrift trusts 762
- Sales**
See also *Auctions*
Uniform Sales Act
 - sec. 15 557
 - sec. 44 676
 Acceptance of part as constituting acceptance of whole 676
 Implied warranty: of wholesomeness in illegal sale of whiskey 335
 —: "merchantable quality": fitness for resale under law of foreign country 557
 Retention and conditional rejection by buyer construed as acceptance 890
 Undisclosed principal: right to enforce contract under seal 94
- Seamen**
See also *Admiralty*
Death on navigable waters: rights of action growing out of 122
 Right to new contract before completion of voyage 323
- Searches and Seizures**
See *Constitutional Law*
- Sedition**
See *Freedom of Speech and Press*
- Set-Off and Counterclaim**
Chose in action assigned before maturity subject to set-off for claim against assignor acquired before notice of assignment 669
- Settlement**
See *Compromise and Settlement*
- Sherman Anti-Trust Act**
See *Anti-Trust Laws*
- Ships and Shipping**
See *Admiralty, Seamen*
- Slavery**
Constitutionality of the fugitive slave acts 161-182
- Soldiers**
See *Army and Navy*
- Specific Performance**
Contracts containing provision to arbitrate 670

- Marketable title: effect of restrictive building covenant 891
 "Void" construed to mean "voidable" 217
- Spendthrift Trusts**
 See *Trusts*
- States**
 See *Constitutional Law, International Law*
- Statute of Frauds**
 See also *Constructive Trusts*
 Agreement to sell cable transfer of exchange need not be in writing 417, 563
 Brokers: recovery allowed on quantum meruit where contract was void 447
- Statute of Limitations**
 See *Adverse Possession, Limitation of Actions*
- Statutes**
 See also *Death by Wrongful Act, Police Power, Recording and Registry Acts*
 Admiralty federal death statute 115-126
 Clayton Act 668
 Commercial arbitration: New York statute 147-160
 Constitutionality: judicial inquiry into purpose of act constitutional on its face 313
 Conviction based on improper statute not ground for reversal if not prejudicial 676
 Daylight saving laws 659
 Fugitive slave acts 161-182
 Interpretation: "child" construed to mean "legitimate child" in wrongful death statute 332
 —: void because of vagueness 108
 Mens rea: necessity of in statutory offences 96
 Volstead Act: administration thereunder 240
- Stock**
 See *Corporations*
- Stock Exchange**
 Taxation of seat on stock exchange 429
- Strike**
 See *Trade Unions*
- Subrogation**
 Mortgages: advancement of money for redemption 889
- Suicide**
 See *Proximate Cause*
- Sunday Laws**
 Administration of 248
- Support**
 See *Mines and Minerals*
- Suretyship and Guaranty**
 Assignment by obligee before breach does not discharge guarantor 448
 Surety's right to indemnity—effect of principal's bankruptcy 582-597
 —: means open to surety for reimbursement 587
 —: principal's discharge does not destroy surety's obligation 585
 —: unmatured claims 591
 —: where surety escapes liability despite principal's bankruptcy 592-597
- Survival**
 See *Death by Wrongful Act*
- Taxation**
 See also *Corporations, Income Taxation, Inheritance Taxation*
 Bonus legislation: constitutionality 78
 Child labor: regulation of by federal taxation 310, 894
 Federal agencies: motor trucks of mail-carrying contractor not exempt from state license 216
 Gross-receipts taxes considered 802-826
 Interstate commerce taxed under guise of: property taxes 800
 —: special excise taxes 801
 Intoxicating liquors not subject to penalty for failure to declare imported merchandise 785
 Massachusetts business trust not "association" under revenue acts 787
 Recovering taxes, paid under duress to a collector, from his successor 537
 Situs of seat on Stock Exchange for taxation 429
 Substitution of successors in office of defendants in suit for injunction 894
 Theory of taxation of property 430
- Tenancy**
 See *Landlord and Tenant*
- Timber**
 See *Trespass*
- Title**
 See also *Adverse Possession, Estoppel, Vested Contingent and Future Interests*
 Statute requiring recordation of change of name of owner of property 322
- Torts**
 See also *Admiralty, Automobiles, Contracts, Contributory Negligence, Damages, Death by Wrongful Act, Infants, Libel and Slander, Master and Servant, Negligence, Proximate Cause, Trade Unions, Trespass, Trover and Conversion, Unfair Competition, Workmen's Compensation*
 Conspiracy not to insure: malicious motive 672
 De facto government's responsibility for delicts 487
 Federal Government's consent to be sued for injury by its vessel 879
 Inducing breach of lessor's restrictive agreement 212
 Lack of unity in law of torts 571
 Maritime tort: action at common law 107
 Quasi-delict in Anglo-American law 571-581
 —: classification 576
 —: influence of procedure 573
 —: reasons for non-recognition of quasi-delict 580

- Secondary boycott: validity 87, 539
 Tort defined 576
- Trade Marks and Trade Names**
 See also *Mortgages*
 Transferability of trade-marks 209
- Trade Unions**
 Blacklist and secondary boycott as an aid to price fixing 539
 Government control of industrial conflicts: economic aspects 89
 Injunction: advisability of use of 86, 414
 Injunction protecting labor union against employer 561
 Labor litigation: economic aspects 86
 Picketing theatre because owner operates machine himself 786
 "Prima facie tort" idea 542
 Secondary boycott: validity 87, 539
 Slander: action by unincorporated labor union 92
 Strikes: definition of 320
 Statute limiting use of injunctions in labor disputes: constitutionality 408
- Transferability**
 See *Descent and Distribution, Dower, Good Will, Trade Marks and Trade Names*
- Treaties**
 See *International Law*
- Trespass**
 See also *Injunction, Negligence*
 Trees severed from freehold: no recovery against defendant in actual adverse possession 787
- Trial**
 See *Criminal Procedure, Practice*
- Trover and Conversion**
 Innocent mistake no defence 558
 Misdelivery resulting in loss 558
- Trusts**
 See also *Anti-Trust Laws, Constructive Trusts, Vested Contingent and Future Interests, Voluntary Associations*
 Appointment of trustee: discretion of court 213
 Civil law: not recognized in 676
 Massachusetts business trust not "association" under revenue acts 787
 Partial assignment of chose in action not a trust 10
 Resulting trusts: conveyance to partner, firm paying part of consideration 892
 Spendthrift trusts: in general 759
 —: jurisdictions adopting or rejecting 760
 —: nature of cestui's interest 761
 —: rule against perpetuities: application 762
 —: whether restricted to life estate 762
 The trust as an instrument of law reform 457-468
 —: origin of trust 464
 —: position of trust in modern legal system 465
- Transfer to take effect at settlor's death: whether subject to inheritance tax 671
 Varying investments against express direction of testator 559
- Unfair Competition**
 Blacklist and secondary boycott as an aid to price-fixing 539
 Cartoons: imitation of "Mutt and Jeff" enjoined 93
 "Prima facie tort" idea 542
 Resale price maintenance: in general 650
 —: necessity of contract with dealer 651
 —: refusal to sell to dealers who will not sell at stated prices 651
 —: unfair competition in absence of contract with dealer 651
 Retailer: unfair practice by 219
 Secondary boycott: validity 87, 539
- Unincorporated Associations**
 See *Trade Unions, Voluntary Associations*
- Uses**
 Origin and development of uses: before statute 458
 —: after statute 462
- Vendor and Purchaser**
 See *Burden of Proof, Covenants, Deeds, Mortgages, Sales*
- Verdicts**
 See *Criminal Procedure*
- Vested Contingent and Future Interests**
 See also *Gifts, Rule Against Perpetuities, Trusts, Wills*
 Beneficiary's interest in life insurance policy 343-360
 Fee tail changed to contingent remainder: destructibility 665
 Postponement of possession of absolute gifts 109
 Taxes on the realization of future interests 367-381
 Wills: construction: gift over after general bequest 104
- Voluntary Associations**
 Actions by unincorporated association 92
 Massachusetts trusts: development 467
 —: not "association" under revenue acts 787
 Suspension of members: necessity of exhausting remedies within the order before bringing suit 328
- Wagering Contracts**
 See *Illegal Contracts*
- Waiver**
 See *Insurance*
- War**
 See also *Libel and Slander*
 Confiscation of ex-enemy private property 435
- Warehouses and Warehousemen**
 See *Intoxicating Liquors*

- Warranty**
 See *Burden of Proof, Insurance, Sales*
- Waste**
 Ameliorating waste: effect of short-term lease 781
- Wills**
 See also *Descent and Distribution, Rule Against Perpetuities, Vested Contingent and Future Interests*
 Animus testandi: necessity of 334
 Gift causa mortis: to be valid as deed must pass present interest 106
 Lapse of part of residuary estate 782
 Murder of co-devisee: conviction of devisee 337
 Personal property; gift over after general bequest 104
 Probate court: decree conclusive though entered under a mistake of law 105
 Revocation by: cancellation 892
 —: subsequent marriage: effect of testator's intent 673
- Witnesses**
 Habitual use of drugs: admissibility to discredit 97
- Woman Suffrage**
 Jury: woman jurors: effect of nineteenth amendment 108
- Words and Phrases**
 Definitions
 —: act of God 440
 —: act of State 94
 —: agency 283
 —: "beneficiary" in life insurance 343
 —: color of title 738
 —: covenant running with the land 128
 —: "dependent" in workmen's compensation 451
 —: force majeure 551
 —: "normal sequence" as applied in separation of powers doctrine 25
 —: property 281, 319, 373, 735
 —: right 203
 —: tort 576
- Workmen's Compensation**
 See also *Admiralty*
 Admiralty remedy displaced by workmen's compensation 561
 Amount recoverable: effect of servant's settlement with tort-feasor 449
 Dependent: reliance on voluntary contributions 451
 Disease: injuries caused solely by 768, 896
 Employer's Liability Act: interstate commerce: carrier's lack of knowledge of destination of shipment immaterial 96
 —: no assumption of risk of injury from unforeseeable negligence of fellow servant 784
 —: remedy available to seamen killed on navigable waters 124
 Injury arising out of perils of the street: chauffeur stabbed by insane man 563
 Maritime tort: no recovery 107
 Remedy not available to seaman killed on navigable waters 123
 Scope of employment: serious or wilful misconduct of employee 215